

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN (FLINT)

In Re:

NEIL VAN HELMKAY

SSN xxx-xx-1407

12974 Croftshire Dr.

Grand Blanc, MI 48439

Debtor \_\_\_\_\_/

Case No. 10-34331-dof

Chapter 7

Hon. Daniel S. Opperman

Pet. Filed: 08/06/10

OBJECTION TO CLAIM NUMBERS 15 AND 16  
OF THE STATE OF MICHIGAN

Now Comes Collene K. Corcoran, Trustee, by and through  
counsel Thomas J. Budzynski, and objects to the claims filed by  
the State of Michigan Department of Treasury stating as follows:

1. The State of Michigan has filed claims based upon  
personal assessments resulting from business operations.
2. The business upon which these assessments are made was  
not operated by the debtor from December 3, 2003 to September 12,  
2008. The debtor had sold the business and recovered the  
business via suit due to non payment of purchase price. This is  
based upon the information received from the debtor, and suit  
information is believed to be of record at the Genessee County  
Circuit Court.
3. A party cannot be held liable as a responsible party if  
he is not operating the business and has no control over the  
business.
4. The majority of the assessments are for periods during  
which the debtor had no control over the business.

WHEREFORE, the trustee requests that Claim Numbers 15 and 16 of the State of Michigan be disallowed.

Respectfully submitted,

/s/ Thomas J. Budzynski  
Thomas J. Budzynski PC  
Attorney for Ch.7 Trustee  
43777 N. Groesbeck Hwy.  
Clinton Twp., MI 48036  
(586) 463-5253  
[lawoffice@tjbudzynskipc.com](mailto:lawoffice@tjbudzynskipc.com)  
P26355

Dated: 2/27/13

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN (FLINT)

Exhibit 1

In Re:

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ORDER DISALLOWING CLAIM NUMBERS 15 AND 16  
OF THE STATE OF MICHIGAN

The matter having come before the Court on Trustee's  
objection to claims, interested parties having had notice and  
opportunity,

IT IS HEREBY ORDERED that Claim Numbers 15 and 16 and the  
amendments thereto are disallowed.

UNITED STATES BANKRUPTCY COURT  
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Exhibit 2

In Re:

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NOTICE OF OBJECTION TO CLAIM NUMBERS 15 AND 16  
OF STATE OF MICHIGAN

Collene K. Corcoran, by and through her attorney, Thomas J. Budzynski, has filed an objection to your claim in this bankruptcy case.

**Your claim may be reduced, modified, or denied. You should read these papers carefully and discuss them with your attorney, if you have one.**

If you do not want the court to deny or change your claim, then **on or before APRIL 3, 2013**, you or your lawyer must:

1. File with the court a written response to the objection, explaining your position, at: \*

U.S. Bankruptcy Court  
226 West Second Street  
Flint, MI 48502

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to:

Thomas J. Budzynski, 43777 N. Groesbeck Hwy., Clinton Twp., MI 48036

2. **Attend the hearing on the objection, scheduled to be held on APRIL 10, 2013, at 9:30 A.M.** United States Bankruptcy Court, 226 West Second Street, Flint, Michigan 48502, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

**If you or your attorney do not take these steps, the Court may deem that you do not oppose the objection to your claim, in which event the hearing will be cancelled, and the objection sustained.**

Dated: 2/27/13

/s/ Thomas J. Budzynski  
Thomas J. Budzynski PC  
Attorney for Ch. 7 Trustee  
43777 Groesbeck Hwy.  
Clinton Twp., MI 48036  
(586) 463-5253  
[lawoffice@tjbudzynskipc.com](mailto:lawoffice@tjbudzynskipc.com)  
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\* Response or answer must comply with F.R.Civ.P. 8(b)(c) and (e)

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN (FLINT)

Exhibit 3

In Re:

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CERTIFICATE OF SERVICE  
OBJECTION TO CLAIM NUMBERS 15 AND 16  
OF STATE OF MICHIGAN

I hereby certify that on February 27, 2013, I electronically filed the foregoing Paper(s) with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Margaret Bartindale bartindalem@michigan.gov,

hauscha@michigan.gov

Collene K. Corcoran trustee@corcoran@gmail.com,

ckc@trustesolutions.net

Kimberly M. Lubinski klubinski@butler-butler.com, edm@butler-butler.com

Stephen Edward Spence steve.e.spence@usdoj.gov

John L. Topping jt.dmbky@yahoo.com, tricountyattorneys@yahoo.com

and I hereby certify that I have mailed by United States Postal Service the Paper(s) to the following non-ECF participants:

Sandra Braun

Michigan Department of Treasury

Revenue/AG

PO Box 30457

Lansing, MI 48909-7955

/s/ Marilyn E. Lewis

Secretary to

Thomas J. Budzynski P26355

Thomas J. Budzynski PC

Attorney for Ch. 7 Trustee

43777 Groesbeck Hwy.

Clinton Twp., MI 48036

(586) 463-5253

[lawoffice@tjbudzynskipc.com](mailto:lawoffice@tjbudzynskipc.com)

Dated: 2/27/13